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Rules and Regulations

FOR THE

PRODUCTION

AND

SALE OF MILK

in the City of

TERRE HAUTE, INDIANA

Ordinance No. 1, 1945

By order of

COMMON COUNCIL OF

CITY OF

TERRE HAUTE, INDIANA

MILK ORDINANCE

for the

City of Terre Haute, Indiana

Mayor

RALPH TUCKER

Common Council

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Dr. John E. Dailey ..... Secretary

Mrs. Hazel W. Hackwith ..... Clerk

Robert Grover ..... Milk Inspector

Special Ordinance No. 1, 1945

An Ordinance defining "milk" and certain "milk products," "milk producer," pasteurization," etc., prohibiting the sale of adulterated and misbranded milk and milk products, requiring permits for the sale of milk and milk products, regulating the inspection of dairy farms and milk plants, the examination, grading, labeling, placarding, pasteurization, regrading, distribution, and sale of milk and milk products, providing for the publication of milk grades, the construction of future dairies and milk plants, providing for the licensing of dairies—retail and wholesale distributors, the enforcement of this Ordinance, and the fixing of penalties.

Be It Ordained, by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION 1. **Definitions.**—The following definitions shall apply in the interpretation and the enforcement of this ordinance:

A. **Milk**—Milk is hereby defined to be the lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within 15 days before and 5 days after calving, or such longer period as may be necessary to render the milk practically colostrum free; which contains not less than 8.5 per cent of milk solids, not fat, and not less than 3.25 per cent of milk fat.

B. **Milk fat or butterfat**—Milk fat or butterfat is the fat of milk.

C. **Cream and sour cream**—Cream is a portion of milk which contains not less than 18 per cent milk fat. Sour cream is cream the acidity of which is more than 0.20 per cent, expressed as lactic acid.

D. **Skimmed milk**—Skimmed milk is milk from which a sufficient portion of milk fat has been removed to reduce its milk-fat percentage to less than 3.25 per cent.

E. **Milk or skimmed-milk beverage**—A milk beverage or a skimmed-milk bexerage is a food compound or confection consisting of milk or skimmed milk, as the case may be, to which has been added a syrup or flavor consisting of wholesome ingredients.

F. **Buttermilk**—Buttermilk is a product resulting from the churning of milk or cream, or from the souring or treatment by a lactic acid or other culture of milk, skimmed milk, reconstituted skimmed milk, evaporated or condensed milk or skimmed milk, or milk or skimmed-milk. It contains not less than 8.5 per cent of milk solids not fat.

G. **Vitamin D milk**—Vitamin D milk is milk the vitamin D content of which has been increased by a method and in an amount approved by the health officer.

H. **Reconstituted or recombined milk and cream**—Reconstituted or recombined milk is a product resulting from the recombining of milk constituents with water, and which complies with the standards for milk fat and solids not fat of milk as defined herein. Reconstituted or recombined cream is a product resulting from the combination of dried cream, butter, or butterfat with cream, milk, skimmed milk, or water.

I. **Goat milk**—Goat milk is the lacteal secretion, free from colostrum, obtained by the complete milking of healthy goats, and shall comply with all the requirements of this ordinance. The word "cows" shall be interpreted to include goats.

J. **Homogenized milk**—Homogenized milk is milk which has been treated in such manner as to insure break-up of the fat globules to such an extent that after 48 hours storage no visible cream separation occurs on the milk and the fat percentage of the top 100 cubic centimeters of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than 5 per cent of itself from the fat percentage of the remaining milk as determined after thorough mixing.

K. **Milk products**—Milk products shall be taken to mean and include cream, sour cream, homogenized milk, vitamin D milk, buttermilk, skimmed milk, reconstituted or recombined milk and cream, milk beverages, skimmed-milk beverages, and any other product made by the addition of any substance to milk or any of these products and used for similar purposes and designated as a milk product by the health officer.

L. **Pasteurization**—The terms "pasteurization," "pasteurized," and similar terms shall be taken to refer to the process of heating every particle of milk products to at least 143 degrees F., and holding at such temperature for at least 30 minutes, or to at least 160 degrees F., and holding at such temperature for at least 15 seconds, in approved and properly operated equipment; provided that nothing contained in this definition shall be construed as disbarring any other process which has been demonstrated to be equally efficient and is approved by the Terre Haute Health authority.

M. **Adulterated Milk and milk products**—Any milk or milk product which contains any unwholesome substance, or which, if defined in this ordinance, does not conform with its definition, or which carries a grade label unless such grade label has been awarded by the health officer and not revoked, shall be deemed adulterated and misbranded.

N. **Milk producer**—A milk producer is any person who owns or controls one or more cows; a part or all of the milk or milk products from which is sold or offered for sale.

O. **Milk distributor**—A milk distributor is any person who offers for sale or sells to another any milk or milk products for human consumption as such.

P. **Dairy or dairy farm**—A dairy or dairy farm is any place or premises where one or more cows are kept, a part of the milk or milk products from which is sold or offered for sale.

Q. **Milk plant**—A milk plant is any place or premises or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, or prepared for distribution.

R. **Health officer**—The term "health officer" shall mean the health authority of the city of Terre Haute or his authorized representative.

S. **Average bacterial plate count, direct microscopic count, reduction time, and cooling temperature**—Average bacterial plate count and average direct microscopic count shall be taken to mean the logarithmic average, and average reduction time and average cooling temperature shall be taken to

mean the arithmetic average, of the respective results of the last four consecutive samples, taken upon separate days, irrespective of the date of grading or regrading.

T. **Grading period**—The grading period shall be such period of time as the health officer may designate within which grades shall be determined for all milk and milk products, provided that the grading period shall in no case exceed 6 months.

U. **Person**—The word "person" as used in this ordinance shall mean "person, firm, corporation, or association."

V. **And/or**—Where the term "and/or" is used "and" shall apply where possible, otherwise, "or" shall apply.

SECTION 2. **The sale of adulterated, misbranded, or ungraded milk or milk products prohibited.**—No person shall within the City of Terre Haute or its police jurisdiction, produce, sell, offer, or expose for sale or have in possession with intent to sell, any milk or milk product which is adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk product.

SECTION 3. **Permits**—It shall be unlawful for any person to bring into or receive into the City of Terre Haute, or its police jurisdiction, for sale, or to sell, or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk product defined in this ordinance, who does not possess a permit from the health officer of the City of Terre Haute.

A fee of Fifty Dollars ($50.00) per annum, plus Twenty-five dollars ($25.00) per annum for each milk route in excess of one, shall be charged and collected from the applicant therefor, for each permit applied for, and such permit fee shall be paid in advance at the office of the City Controller.

Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such permit.

Such a permit may be suspended by the health officer or revoked after an opportunity for a hear-

ing by the health officer, upon the violation by the holder of any of the terms of this ordinance.

SECTION 4. **Labeling and placarding**—All bottles, cans, packages, and other containers enclosing milk or any milk product defined in this ordinance shall be plainly labeled or marked with (1) the name of the contents as given in the definitions in this ordinance; (2) the grade of the contents; (3) the word "pasteurized" only if the contents have been pasteurized; (4) the word "raw" only if the contents are raw; (5) the phrase "for pasteurization" if the contents are to be pasteurized; (6) the name of the producer if the contents are raw, and the name of the plant at which the contents were pasteurized, if the contents are pasteurized; and (7) in the case of vitamin D milk, the designation "Vitamin D Milk" and the source of the vitamin D. The label or mark shall be in letters of a size, kind, and color approved by the health officer and shall contain no marks or words which are misleading.

Every restaurant, cafe, soda fountain, or other establishment serving milk or milk products shall display at all times, in a place designated by the health officer, a notice approved by the health officer, stating the lowest grade of milk and/or milk products served.

SECTION 5. **Inspection of dairy farms and milk plants for the purpose of grading and regrading.**—At least once during each grading period the health officer shall inspect all dairy farms and all milk plants whose milk or milk products are intended for consumption within the City of Terre Haute, or its police jurisdiction. In case the health officer discovers the violation of any item of sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of 3 days; and the second inspection shall be used in determining the grade of milk and/or milk products. Any violation of the same item of this ordinance on two consecutive inspections shall call for immediate degrading.

One copy of the inspection report shall be posted by the health officer in a conspicuous place upon an inside wall of one of the dairy farm or milk plant

buildings, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department.

SECTION 6. **The examination of milk and milk products.**—During each grading period at least four samples of milk and cream from each dairy and each milk plant shall be taken on separate days and examined by the health officer. Samples of other milk products may be taken and examined by the health officer as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the health officer may require. Bacterial plate counts and direct microscopic counts shall be made in conformity with the regulations of the Board of Health. Examinations may include such other chemical and physical determinations as the health officer may deem necessary for the detection of adulteration. Samples may be taken by the health officer at time prior to the final delivery of the milk or milk products. All proprietors of stores, cafes, restaurants, soda fountains and other similar places shall furnish the health officer, upon his request, with the names of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D content of Vitamin D milk shall be made when required by the health officer in a laboratory approved by him for such examinations.

Whenever the average bacterial count, the average reduction time, or the average cooling temperature falls beyond the limit for the grade then held, the health officer shall send written notice thereof to the person concerned, and shall take an additional sample, but not before the lapse of 3 days, for determining a new average in accordance with section 1 (s). Violation of the grade requirement by the new average or by any subsequent average during the remainder of the current grading period shall call for immediate degrading or suspension of the permit, unless the last individual result is within the grade limit.

SECTION 7. **The grading of milk and milk products.**—At least once every 6 months the health

officer shall announce the grades of all milk and milk products delivered by all producers or distributors and ultimately consumed within the City of Terre Haute, or its police jurisdiction. Said grades shall be based upon the following standards, the grading of milk products being identical with the grading of milk except that the bacterial standards shall be doubled in the case of cream, and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only of grade A pasteurized quality.

Grade A raw milk.—Grade A raw milk is raw milk to be pasteurized, the average bacterial plate count of which as determined under Sections 1 (S) and 6 of this ordinance does not exceed 200,000 per cubic centimeter, or the average direct microscopic count of which does not exceed 200,000 per cubic centimeter if clumps are counted, or 800,000 per cubic centimeter if individual organisms are counted, or the average reduction time of which is not less than 6 hours; and which is produced upon dairy farms conforming with all of the following items of sanitation.

ITEM 1r. Cows, tuberculosis and other diseases.—Except as provided hereinafter, a tuberculin test of all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every 12 months thereafter, by a licensed veterinarian approved by the State live stock sanitary authority. Said tests shall be made and reactors disposed of in accordance with the requirements approved by the United States Department of Agriculture, Bureau of Animal Industry, for accredited herds. A certificate signed by the veterinarian or attested to by the health officer and filed with the health officer shall be evidence of the above test: Provided, That in modified accredited counties in which the modified accredited area plan is applied to the dairy herds the modified accredited area system approved by the United States Bureau of Animal Industry shall be accepted in lieu of annual testing.

Cows which show an extensive or entire induration of one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd. Cows giving bloody, stringy, or other-

wise abnormal milk, but with only slight induration of the udder, shall be excluded from the herd until re-examination shows that the milk has become normal.

For other diseases such tests and examinations as the health officer may require shall be made at intervals and by methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require.

ITEM 2r.—A dairy or milking barn shall be required and in such sections thereof where cows are milked, windows shall be provided and kept clean and so arranged as to insure adequate light properly distributed and when necessary shall be provided with adequate supplementary artificial light.

ITEM 3r.—**Dairy barn, air space and ventilation.**—Such sections of all dairy barns where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

ITEM 4r. **Dairy barn, floors.**—The floors and gutters of such parts of all dairy barns in which cows are milked shall be constructed of concrete or other approved impervious and easily cleaned material, shall be graded to drain properly, and shall be kept clean and in good repair. No horses, pigs, fowl, calves, etc., shall be permitted in parts of the barn used for milking.

ITEM 5r. **Dairy barn, walls and ceilings.**—The walls and ceilings of all dairy barns shall be whitewashed once each year or painted once every 2 years, or oftener, if necessary, or finished in an approved manner, and shall be kept clean and in good repair. In case there is a second story above that part of the barn in which cows are milked, the ceiling shall be tight. If the feed room adjoins the milking space, it shall be separated therefrom by a dust-tight partition and door. No feed shall be stored in the milking portion of the barn.

ITEM 6r. **Dairy barn, cow yard.**—All cow yards shall be graded and drained as well as practicable and kept clean.

ITEM 7r. **Manure disposal.**—All manure shall be removed and stored or disposed of in such manner as best to prevent the breeding of flies therein

or the access of cows thereof.

ITEM 8r. **Milk house or room, construction.**—There shall be provided a milk house or milk room in which the cooling, handling, and storing of milk and milk products and the washing, bactericidal treatment, and storing of milk containers and utensils shall be done. (a) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (b) It shall have walls and ceilings, and shall be well painted or finished in an approved manner. (c) It shall be well lighted and ventilated. (d) It shall have all openings effectively screened including outward-opening, self-closing doors, unless other effective means are provided to prevent the entrance of flies. (e) It shall be used for no other purposes than those specified above except as may be approved by the health officer; shall not open directly into a stable or into any room used for domestic purposes; shall have water piped into it; shall be provided with adequate facilities for the heating of water for the cleaning of utensils; shall be equipped with two-compartment stationary wash and rinse vats.

ITEM 9r. **Milk house or room, cleanliness and flies.**—The floors, walls, ceilings, and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

ITEM 10r. **Toilet.**—Every dairy farm shall be provided with one or more sanitary toilets conveniently located and properly constructed, operated, and maintained, so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply.

ITEM 11r. **Water supply.**—The Water supply for the milk room and dairy barn shall be properly located, constructed and operated, and shall be easily accessible, adequate, and of a safe sanitary quality.

ITEM 12r. **Utensils, construction.**—All multi-use containers or other utensils used in the handling, storage, or transportation of milk or milk products must be made of smooth nonabsorbent material and

of such construction as to be easily cleaned, and must be in good repair. Joints and seams shall be soldered flush. Woven wire cloth shall not be used for straining milk. All milk pails shall be of a small-mouth design approved by the health officer. The manufacture, packing, transportation, and handling of single-service containers and container caps and covers shall be conducted in a sanitary manner.

ITEM 13r. **Utensils, cleaning.**—All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk and milk products must be thoroughly cleaned after each usage.

ITEM 14r. **Utensils, bactericidal treatment**—All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall between each usage be subjected to an approved bactericidal process with steam, hot water, chlorine, or hot air.

ITEM 15r. **Utensils, storage.**—All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall be stored so as to not become contaminated before being used.

ITEM 16r. **Utensils, handling.**—After bactericidal treatment no container or other milk product utensil shall be handled in such manner as to permit any part of any person or his clothing to come in contact with any surface with which milk or milk products come in contact.

ITEM 17r. **Milking, udders and teats, abnormal milk.**—The udders and teats of all milking cows shall be clean and rinsed with a bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

ITEM 18r. **Milking, flanks.**—The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking.

ITEM 19r. **Milkers' hands.**—Milkers' hands shall be clean, rinsed with a bactericidal solution, and dried with a clean towel immediately before milking and following any interruption in the milking oper-

ation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands.

ITEM 20r. **Clean clothing.**—Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils or equipment.

ITEM 21r. **Milk stools.**—Milk stools shall be kept clean.

ITEM 22r. **Removal of milk.**—Each pail of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the dairy barn.

ITEM 23r. **Cooling.**—If milk is delivered to a milk plant or receiving station for pasteurization or separation, it must be delivered within 2 hours after completion of milking or cooled to 79 degrees F. or less and maintained at that average temperature until delivered.

ITEM 24r. **Miscellaneous.**—All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun and from contamination. All vehicles used for the transportation of milk or milk products in their final delivery containers shall be constructed with permanent tops and with permanent or roll-down sides and back, provided that openings of the size necessary to pass the delivery man may be permitted in the sides or back for loading and unloading purposes. All vehicles shall be kept clean, and no substances capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination.

The immediate surroundings of the dairy shall be kept in a neat, clean condition.

Certified milk—pasteurized.—Certified milk-pasteurized is certified milk raw which has been pasteurized, cooled, and bottled in a milk plant conforming with the requirements for grade A pasteurized milk.

Grade A pasteurized milk.—Grade A pasteurized milk is grade A raw milk, with such exceptions as are indicated if the milk is to be pasteurized, which

has been pasteurized, cooled, and bottled in a milk plant conforming with all of the following items of sanitation and the average bacterial plate count of which at no time after pasteurization and until delivery exceeds 30,000 per cubic centimeter, as determined under sections 1 (s) and 6.

The grading of a pasteurized milk supply shall include the inspection of receiving and collecting stations with respect to items 1p to 15p, inclusive, and 17p, 19p, 22p, and 23p, except that the partitioning requirements of item 5p shall not apply.

ITEM 1p. **Floors.**—The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains, and kept clean.

ITEM 2p. **Walls and ceilings.**—Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall have a smooth, washable, light-colored surface and shall be kept clean.

ITEM 3p. **Doors and windows.**—Unless other effective means are provided to prevent the access of flies, all openings into the outer air shall be effectively screened and doors shall be self-closing.

ITEM 4p. **Lighting and ventilation.**—All rooms shall be well lighted and ventilated.

ITEM 5p. **Miscellaneous protection from contamination.**—The various milk plant operations shall be so located and conducted as to prevent any contamination of the milk or of the cleaned equipment. All means necessary for the elimination of flies shall be used. There shall be separate rooms for (a) the pasteurizing, processing, cooling, and bottling operations, and (b) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment.

Rooms in which milk, milk products, cleaned utensils, or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant shall be used for no other purposes than the processing of milk and milk products and the operations incident thereto, except as may be approved by the health officer.

ITEM 6p. **Toilet facilities.**—Every milk plant shall be provided with toilet facilities conforming with the ordinances of the City of Terre Haute. Toilet rooms shall not open directly into any room in which milk, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. In case privies or earth closets are permitted and used, they shall be separate from the building, and shall be of a sanitary type constructed and operated in conformity with the requirements of item 19r, grade A raw milk.

ITEM 7p. **Water supply.**—The water supply shall be easily accessible, adequate, and of a safe, sanitary quality.

ITEM 8p. **Hand-washing facilities.**—Convenient hand-washing facilities shall be provided, including warm running water, soap, and approved sanitary towels. The use of a common towel is prohibited.

ITEM 9p. **Sanitary piping.**—All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned with a brush. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping.

ITEM 10p. **Construction and repair of containers and equipment.**—All multi-use containers and equipment with which milk or milk products come in contact shall be constructed in such manner as to be easily cleaned and shall be kept in good repair. The manufacture, packing, transportation, and handling of single-service containers and container caps and covers shall be conducted in a sanitary manner.

ITEM 11p. **Disposal of wastes.**—All wastes shall be properly disposed of.

ITEM 12p. **Cleaning and bactericidal treatment of containers and equipment.**—All milk and milk products containers and equipment, except single-service containers, shall be thoroughly cleaned after each usage. All containers shall be subjected to an approved bactericidal process after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer by a milk plant each container shall be effectively cleaned and subjected to a bactericidal treatment.

ITEM 13p. **Storage of containers and equipment.**—After bactericidal treatment all bottles, cans, and other multi-use milk or milk products containers and equipment shall be stored in such manner as to be protected from contamination.

ITEM 14p. **Handling of containers and equipment.**—Between bactericidal treatment and usage, and during usage, containers, and equipment shall not be handled or operated in such manner as to permit contamination of the milk.

ITEM 15p. **Storage of caps, parchment paper, and single-service containers.**—Milk bottle caps or cap stock, parchment paper for milk cans, and single-service containers shall be purchased and stored only in sanitary tubes and cartons, respectively, and shall be kept therein in a clean dry place.

ITEM 16p. **Pasteurization.**—Pasteurization shall be performed as described in section 1 (L) of this ordinance.

ITEM 17p. **Cooling.**—All milk and milk products received for pasteurization shall immediately be cooled in approved equipment to 50 degrees F., or less and maintained at that temperature until pasteurized, unless they are to be pasteurized within 2 hours after receipt; and all pasteurized milk and milk products shall be immediately cooled in approved equipment to an average temperature of 50 degrees F., or less, as defined in section 1 (S), and maintained thereat until delivery.

ITEM 18p. **Bottling.**—Bottling of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment.

ITEM 19p. **Overflow milk.**—Overflow milk or milk products shall not be sold for human consumption.

ITEM 20p. **Capping.**—Capping of milk and milk products shall be done by approved mechanical equipment. Hand capping is prohibited. The cap or cover shall cover the lip to at least its largest diameter.

ITEM 21p. **Personnel, health.**—The health officer or a physician, authorized by him shall examine and take a careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggest that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State health authorities for such examinations, and if the results justify such person shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

ITEM 22p. **Personnel, cleanliness.**—All persons coming in contact with milk, milk products, containers, or equipment shall wear clean outer garments and shall keep their hands clean at all times while thus engaged.

ITEM 23p. **Miscellaneous.**—All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun and from contamination. All vehicles used for the transportation of milk or milk products in their final delivery containers shall be constructed with permanent tops and with permanent or roll-down sides and back, provided that opening of the size necessary to pass the delivery

man may be permitted in the sides or back for loading and unloading purposes. All vehicles shall be kept clean, and no substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed.

The immediate surroundings of the milk plant shall be kept in a neat, clean condition.

Grade B pasteurized milk.—Grade B pasteurized milk is pasteurized milk which violates the bacterial standard for grade A pasteurized milk and/or the provisions of lip cover caps of item 20p and/or the requirements that grade A raw milk be used, but which conforms with all other requirements for grade A pasteurized milk, has been made from raw milk of not less than grade B quality, and has an average bacterial plate count after pasteurization and before delivery not exceeding 50,000 per cubic centimeter, as determined under Sections 1 (S) and 6.

Grade C paseurized milk.—Grade C pasteurized milk is pasteurized milk which violates any of the requirements of grade B pasteurized milk.

SECTION 8. **Grades of milk products which may be sold.**—The Board of Health of the City of Terre Haute, Indiana, shall adopt such rules as may be necessary to enforce the grading provisions of this Ordinance and shall adopt rules fixing the time (in no event less than twelve (12) months after the effective date hereof), when such provisions shall become effective, and the violations of said rules shall be punishable, upon conviction, as set forth in Section Sixteen (16) of this Ordinance. Not less than thirty (30) days prior to the date said Board contemplates the enforcement of the grading provisions as defined herein, said Board shall adopt a preliminary Resolution of the enforcement of said grading provisions. Notice of such Resolution shall be published once in a daily or weekly newspaper, printed and published in the City of Terre Haute, Indiana, which Notice shall call attention to the passage of the preliminary Resolution and shall state that on a day named, at a fixed time and place, not less than ten days from the date of such pub-

lication, said Board will hear all persons interested or who may be affected by the enforcement of such grading provisions and will modify, rescind or confirm its original Resolution as economic conditions warrant, and shall, if said preliminary Resolution be modified or confirmed, then fix a time for the taking effect of said grading provisions. A like notice shall be sent by mail to each distributor of Milk Products, within the Police Jurisdiction of the City of Terre Haute, Indiana, who may be affected by the proposed date of compliance herewith. From and after the date fixed by said Board for compliance with the grading provisions of this Ordinance, no milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments except Grade A pasteurized and certified pasteurized.

ITEM 2. The license provision of this Ordinance shall go into effect immediately upon passage of this Ordinance and revocation of permits for violation of the adulteration or misbranding provisions of this Ordinance shall rest within the discretionary power of said Board of Health.

SECTION 9. **Supplementary grading prescribed and regrading authorized.**—If at any time between the regular announcements of the grades of milk or milk products, a lower grade shall become justified, in accordance with sections 5, 6, and 7 of this ordinance, the health officer shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling and placarding thereof.

Any producer or distributor of milk or milk products the grade of which has been lowered by the health officer, and who is properly labeling his milk and milk products, may at any time make application for the regrading of his product.

Upon receipt of a satisfactory application, in case the lowered grade is the result of an excessive average bacterial plate count, direct microscopic count, reduction time, or cooling temperature, the health officer shall take further samples of the applicant's output, at a rate of not more than two samples per week. The health officer shall regrade the milk or milk products upward whenever the average of the last four samples results indicates

the necessary quality, but not before the lapse of 2 weeks from the date of degrading.

In case the lowered grade of the applicant's products is due to a violation of an item of the specifications prescribed in section 7, other than average bacterial plate count, direct microscopic count, reduction time, or cooling temperature, the said application must be accompanied by a statement signed by the applicant to the effect that the violation item of the specifications has been conformed with. Within one week of the receipt of such an application and statement the health officer shall make a reinspection of the applicant's establishment, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the higher grade requirements, and, in case the findings justify, shall regrade the milk or milk products upward.

SECTION 10. **Transferring or dipping milk; delivery containers; handling of more than one grade; delivery of milk at quarantined residences.**—Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street, or in any vehicle or store, or in any place except a bottling or milk room especially used for that purpose. The sale of dip milk is hereby prohibited.

All pasteurized milk and milk products shall be placed in their final delivery containers in the plant in which they are pasteurized. Milk and milk products sold in the distributor's containers in quantities less than one gallon shall be delivered in standard milk bottles or in single-service containers. It shall be unlawful for hotels, soda fountains, restaurants, groceries, and similar establishments to sell or serve any milk or milk product except in the original container in which it was received from the distributor or from a bulk container equipped with an approved dispensing device; Provided, That this requirement shall not apply to cream consumed on the premises, which may be served from the original bottle or from a dispenser approved for such service.

It shall be unlawful for any hotel, soda fountain, restaurant, grocery, or similar establishment to sell

or serve any milk or milk products which have not been maintained, while in its possession, at a temperature of 50 degrees F. or less.

No milk or milk products shall be permitted to come in contact with equipment with which a lower grade of milk or milk products has been in contact unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment.

Bottled milk or milk products, if stored in water, shall be so stored that the tops of the bottles will be submerged.

It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers. Apparatus, containers, equipment, and utensils used in the handling, storage, processing, or transporting of milk or milk products shall not be used for any other purpose without the permission of the health officer.

The delivery of milk or milk products to and the collection of milk or milk products containers from residences in which cases of communicable disease transmissible through milk supplies exist shall be subject to the special requirements of the health officer.

SECTION 11. **Milk and milk products from points beyond the limits of routine inspection.**—Milk and milk products from points beyond the limits of routine inspection of the City of Terre Haute may not be sold in the City of Terre Haute, or its police jurisdiction, unless produced and/or pasteurized under provisions equivalent to the requirements of this ordinance: provided that the health officer shall require evidence that the health officer having jurisdiction over the production and processing is properly enforcing such provisions.

SECTION 12. **Future dairies and milk plants.**—All dairies and milk plants from which milk or milk products are supplied to the City of Terre Haute which are hereafter constructed, reconstructed, or extensively altered shall conform in their construction to the requirements of this ordinance for grade A dairy farms producing milk for grade A pasteurization plants. Properly prepared plans for all dairies and milk plants which are hereafter con-

structed, reconstructed, or extensively altered shall be submitted to the health officer for approval before work is begun. In the case of milk plants signed approval shall be obtained from the health officer and/or the State Health Department.

SECTION 13. **Notification of disease.**—Notice shall be sent to the health officer immediately by any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any infectious, contagious, or communicable disease occurs.

SECTION 14. **Procedure when infection suspected.**—When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the health officer is authorized to require any or all of the following measures: (1) the immediate exclusion of that person from milk handling, (2) the immediate exclusion of the milk supply concerned from distribution and use, (3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

SECTION 15. **Enforcement interpretation.**—This ordinance shall be enforced by the health officer in accordance with the interpretations thereof contained in the 1939 edition of the United States Public Health Service Milk Code, a certified copy of which shall be on file in the City Clerk's office. If any question arises as to the interpretation of any provision of this ordinance, then the interpretation set out in the U. S. Public Health Service Milk Code shall be binding.

SECTION 16. **Penalty.**—Any person who shall violate any provision of this ordinance shall be fined not more than $100.00 at the discretion of the court. Upon the failure of any person to pay any fine imposed he may be imprisoned in the county jail until such fine is paid or replevied. Each and every violation of the provisions of this ordinance shall constitute a separate offense.

SECTION 17. **Repeal clause.**—All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 18. **Unconstitutionality clause.**—Should

any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION 19. There is hereby created the office of Milk Inspector for the City of Terre Haute who shall work under the supervision of the Board of Health of said City and who shall be appointed by the Mayor, and his salary is hereby fixed at Three Thousand ($3,000.00) dollars per annum. The qualifications of such Inspector shall be such as may be fixed by the Board of Health of said City. Additional Inspectors may be appointed upon recommendation of the Board of Health and the Mayor of said City when and if approved by the Common Council of said City. In addition to the salary herein fixed, where such Milk Inspector uses his own Automobile in the performance of his duties as such, he shall be allowed and paid mileage at the rate of five cents a mile.

SECTION 20. Funds sufficient to carry this Ordinance into effect for the Year 1945, if necessary, shall be appropriated by the Common Council of the City of Terre Haute, Indiana, from funds not otherwise appropriated.

SECTION 21. **Date of effect.**—This Ordinance shall be in full force and effect two weeks after its publication, which publication is hereby ordered by the Common Council.

Introduced by Councilman Harold E. Lorey.

It was then moved by Councilman Cooper, seconded by Councilman Lorey that Special Ordinance No. 1, 1945, be engrossed and placed upon its passage. The motion was carried and Special Ordinance No. 1, 1945, was passed by the following vote of the council:

Ayes: Councilmen Jones, Greenfield, Anthony, Cooper, Evinger and Lorey.

Noes: Councilmen Heady and Koll.

Absent: Councilman Nicoson.

Ayes: 6. Noes: 2. Absent: 1.